

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Scottie Whitaker**

**Docket No. 4:04-CR-56-1H**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Scottie Whitaker, who, after being found guilty of Conspiracy to Commit Armed Bank Robbery, in violation of 18 U.S.C. § 371; Armed Bank Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 2113(a)(d) and 2; Use, Carry, and Brandish a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting, in violation of 18 U.S.C. §§ 924(c)(1) and 2; and Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on September 7, 2005, to the custody of the Bureau of Prisons for a term of 192 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Scottie Whitaker was released from custody on February 23, 2018, at which time the term of supervised release commenced. On May 23, 2018, a Violation Report was submitted advising that the defendant tested positive for marijuana on May 16, 2018. The defendant was verbally reprimanded, counseled about his actions, placed in our Surprise Urinalysis Program, and referred for substance abuse treatment. The court agreed to continue supervision. On May 1, 2019, a Violation Report was submitted advising that Whitaker tested positive for marijuana on April 17, 2019. He was referred back to outpatient substance abuse treatment and was verbally reprimanded for this drug use. The court agreed to continue supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On August 15, 2019, the defendant tested positive for cocaine and marijuana, and this specimen was confirmed by laboratory analysis on August 25, 2019. During a home inspection on August 27, 2019, the defendant admitted using these substances on/about August 11, 2019, and he signed an admission of drug use form. As a sanction for this violation, the probation office is recommending that he be placed on 60 days curfew with electronic monitoring. Additionally, he will be required to attend outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dewayne L. Smith  
Dewayne L. Smith  
Supervising U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2338  
Executed On: August 28, 2019

**ORDER OF THE COURT**

Considered and ordered this 3rd day of September, 2019, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard  
Malcolm J. Howard  
Senior U.S. District Judge